

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Upon entry of this Amendment, claims 1, 2, 5, 9-14, 18-22, 25, 29-34, 38-43, 45 and 46 are pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

As a preliminary matter, the undersigned thanks the Examiner for the courtesy of the telephone interview conducted on August 24, 2005. Along with this Amendment, Applicant is submitting a Statement of Substance of Interview.

Claims 3 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho et al. (U.S. Patent No. 6,507,590; hereafter "Terho") in view of Sen et al. (U.S. Patent No. 6,556,556; hereafter "Sen"). Claims 1, 2, 4, 5, 15-17, 21, 22, 24, 25, 27 and 35-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho in view of Sen and Nakagaki (U.S. Patent No. 5,657,316; hereafter "Nakagaki"). Claims 9-11, 18-20 and 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho in view of Sen, Nakagaki, and Puuskari (U.S. Patent No. 6,728,208). Claims 12-14 and 32-34 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Applicant respectfully submits that the claims would not have been rendered obvious in view of the cited references.

By this Amendment, Applicant has amended independent claims 1, 5 and 38 to recite "signaling to the upper layer an indication of whether or not the blank data is inserted". As agreed by the Examiner during the interview, the cited references, alone or in combination do not


teach or suggest this feature of the amended claims. That is, Nakagaki's insertion dummy data, i.e., all zeros, for the lost cells does not provide any indication to an upper layer whether or not the dummy data has been inserted.

Accordingly, Applicant respectfully submits that independent claims 1, 5 and 38, as well as their respective dependent claims, should be allowable because the combined references do not teach or suggest all of the features of the claimed inventions.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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